

REMARKS

The Office Action continues to reject the claims over US '965 despite said reference's circuit board's openings being sealed by firing a paste in the openings.

The rejection is maintained even though the description in this application and the references filed with the replies filed on May 15, 2003, and on November 26, 2003 and May 10, 2004, establish that the products made by the prior art method, e.g., firing, versus the claimed methods would result in physically different products. See also all the arguments to this end in the Replies mentioned above, which are incorporated herein by reference. Based on what is known in the art, which has been established by applicants, one of ordinary skill in the art would expect the product prepared by the claimed methods to be physically different than products prepared by the firing and co-firing methods of the prior art. As such, the anticipation rejection is untenable.

As established by the references mentioned above, only the contact surfaces of the solid sealing element and of the solid article are modified during the welding process in such a way, that the contact surface of the molded element and the contact surface of the solid sealing element are permanently bonded together in such a way that the opening is hermetically sealed. The non-contact surfaces of the solid article and of the solid sealing element will be unchanged before, during and after the pressure welding was performed, i.e., they are always solid without changes to their crystalline structures. In sum, the mayor parts of the surface and the whole bulks of the solid sealing element and of the solid article will not be influenced by the welding (sealing) process. This leads - according to the description of the present published US application in paragraph [0013] - to the avoidance of thermal stress of the brittle-fracture material (solid article), which results in internal stress in the brittle-fracture material. In sum, the resulting products of the present invention are physically different than products which were sealed by a firing or co-firing process. During the firing process not only the contact surfaces, but also the non-contact-surfaces and the bulks of the material of the sealing material and of the solid article will be modified. See, e.g., the references establishing crystalline structural changes at and in the vicinity of the welds when processes of the prior art are used. A sealing material as taught in US '965 will be physically different before, during and after the sealing, which is not the case at all in the case of the claimed invention where, e.g., the sealing material is solid before, during and after the weld. One of ordinary skill in the art would easily be able to distinguish between a sealing material

which was modified during the sealing process by firing (e.g., identify previously molten material) or a solid sealing element which basically remains unchanged during the sealing process (only the contact surfaces will be changed slightly).

As the Examiner knows, the Federal Circuit phrased the test for anticipation as follows:

to anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, **arranged as in the claim**. (Emphasis added.)

See *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 58 USPQ2d 1286 (Fed. Cir. 2001). The prior art does not arrange the elements therein in a way as claimed in this application. As such, there is no basis for an anticipation rejection.

The Office Action alleges that the methods of the claims is not germane to the issue of patentability of the product itself, unless applicants present evidence from which the Examiner could reasonably conclude that the claimed product itself differs in kind from those of the prior art. However, applicants have already clearly provided evidence establishing that the products of the prior art and of the claims are physically different. There is no contrary evidence to the materials submitted by applicants. Moreover, no reason or explanation is provided by the Office Action why such materials were not taken into considerations, or if they were, then why they may be inadequate. As such, the Office Action has not carried its burden in establishing that US '965 anticipates.

Reconsideration is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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